

**UNITED STATES DISTRICT COURT**  
 for the  
 Western District of Virginia

CLERK'S OFFICE U.S. DIST. COURT  
 AT LYNCHBURG, VA  
 FILED for Danville

NOV 18 2011

JULIA G. DUDLEY CLERK  
 BY: *Jay Colman*  
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|   |   |                        |
|---|---|------------------------|
| United States of America  | ) |                        |
| v.  | ) |                        |
| Charles Lee Torian  | ) | Case No: 4:01-cr-70057 |
|   | ) | USM No: 09274-084      |
| Date of Previous Judgment: 04/29/2002<br><i>(Use Date of Last Amended Judgment if Applicable)</i> | ) | Defendant's Attorney   |

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:

DENIED.  GRANTED and the defendant's previously imposed sentence of imprisonment (*as reflected in the last judgment issued*) of \_\_\_\_\_ months is reduced to \_\_\_\_\_.

**I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)**

|   |  |
|---|--|
| Previous Offense Level:                         | Amended Offense Level:                         |
| Criminal History Category:                      | Criminal History Category:                     |
| Previous Guideline Range: _____ to _____ months | Amended Guideline Range: _____ to _____ months |

**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- Other (*explain*): \_\_\_\_\_

**III. ADDITIONAL COMMENTS**

Defendant was convicted of "crack" cocaine offenses in violation of 21 U.S.C. §§ 841 and 846. He was sentenced as a career offender under U.S.S.G. § 4B1. Amendment 750 to the U.S. Sentencing Guidelines reduced offense levels for crack convictions, but it did not reduce offense levels that are based on the career offender guideline, and Defendant is therefore not eligible for a reduction under 18 U.S.C. § 3582(c)(2).

Except as provided above, all provisions of the judgment dated \_\_\_\_\_ shall remain in effect.

**IT IS SO ORDERED.**

Order Date: 11/18/2011

*Norman K. Moon*  
Judge's signature

Effective Date: \_\_\_\_\_  
*(if different from order date)*

Norman K. Moon, United States District Judge  
Printed name and title